

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MOHAMED GAMAR AHMED,

Defendant.

4:22CR3053

ORDER

Yesterday, Defendant moved to continue his plea hearing scheduled for today. (Filing No. 32). Today's plea hearing was set nearly two months ago, on January 11, 2023, at defense counsel's request and with the consent of all counsel.

The government states that a Rule 11(c)(1)(B) plea agreement was offered to the defendant nearly five months ago, on October 11, 2022. Yet, Defendant waited until February 27, 2023—a mere week before the signed plea documents were to be submitted to the court—to request a Rule 11(c)(1)(C) agreement. The government promptly offered such an agreement on March 2, 2023. Now, Defendant claims he needs time to consider which agreement to accept before entering a plea of guilty.

Both the public, whose interests and rights are represented by the government, and the defendant have the right to a speedy trial. Moreover, the court has limited resources: It has a right to manage its calendar without having to expend time rescheduling hearings when no reasonable justification exists.

The court plays no role in whether a defendant chooses to enter a guilty plea. But the court will make use of its past efforts to schedule today's hearing.

Accordingly,

IT IS ORDERED that as to the motion to continue, (Filing No. 32):

- 1) The change of plea hearing scheduled for today is cancelled.
- 2) The court will not reschedule any future change of plea hearing in this case without advance receipt of the signed plea paperwork.
- 3) The hearing scheduled for today at 1:30 p.m. remains scheduled. During that hearing, the court will:
 - a. conduct a Frye hearing to confirm, on the record, that the defendant has discussed the terms of the respective plea agreements with his counsel, and
 - b. set the trial date and the corresponding deadlines for expert disclosures, with the government prepared to apprise the court of the time remaining on the Speedy Trial clock.

Dated this 7th day of March, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge